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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,979	04/02/2004	Peter-Franz Arnold	41653-200624	7720
26694	7590	10/19/2005	EXAMINER	
VENABLE LLP			HARMON, CHRISTOPHER R	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20045-9998			PAPER NUMBER	

3721

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/815,979

Applicant(s)

ARNOLD ET AL.

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-12,14-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-12,14-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/16/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the term “nonwoven” is used as a noun while generally and ordinarily is used as an adjective. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “nonwoven” and “fiber nonwoven” are confusing and do not describe anything concrete.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-5, 7-12, 14-17, and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “nonwoven” throughout the claims is used by the claim to mean “a nonwoven web, tube, material, etc.”, while the accepted meaning is “not woven.” The term is indefinite because the specification does not clearly redefine the term.

Claim 1 recites the limitation "a rotational axis of the at least one separating device" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claims 3 and 12 recite the limitation "in two of the separating devices" and "at least two separating devices" in line 2, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 17 recites the limitation "the feeding devices" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 17, lines 6 contains the limitation "that the feeding devices feeds to the at least two separating devices" while describing the at least two separating devices. The language is confusing and indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-4, 7-9, 11-12, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotchkiss (US 4,973,503).

Hotchkiss discloses a method for producing a nonwoven web comprising introducing fibers 32 with a finite length into at least one separating device 303 including separating into individualized fibers and feeding to a conveyor 317; see figure 1A. The

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at least one separating device 303 is rotated by motor 313 and has a rotational axis parallel to the conveying direction of the non woven 315 (pulled by conveyor 317).

Regarding claims 3-4, 12 and 14 extruder 156 is considered a separating device and are joined before exiting rod/element 183.

Regarding claims 8-9, Hotchkiss describes the use of multi/bi-component fibers see column 3, lines 45-60.

6. Claims 1, 3-5, 7-9, 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pall (US 4,116,738).

Pall discloses forming a nonwoven web comprising feeding fibers 54 to a separating device comprising separating element/spinning die 58 with a rotational axis parallel to the conveying direction of conveyors 61 and 62. Pall also discloses modifying the invention to include multiple rotational dies/separators see column 6, lines 35-50. The fibers are considered of a finite length before the melt-blown process, ie. melted/combined and then separated/extruded.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 3-5, 7-12, 14-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arthur et al. (GB 2145918) in view of Kaine et al. (US 4,662,221).

Arthur et al. disclose producing a nonwoven web comprising separating (multi and bi-component) fibers in separating device with rotating separation element 16, 80, 144, 146 and feeding material to conveyor 88 (also embodiment with two devices to conveyor 152 with different designs) see figures 6-7 and 9.

Regarding claim 10, Arthur et al. disclose adding granulate to the tow by unit 142; see figure 1. Regarding claim 15, each separating device has conveying chute downstream; see figure 9. Regarding claim 17, conveying chute (not labeled) is positioned above rotational elements 144 and 146.

Arthur et al. do not directly disclose the rotational axis of the separating device being parallel to the conveying direction, however Kaine et al. disclose a method of separating fibers with separating devices including separating elements 16 with rotational axis in a parallel relationship with that of conveying direction; see figures 1 and 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the separating device of Kaine et al. for separating device/pin rollers 16, 80, 144, 146, etc. as an alternate configuration for separating the fibers. Note that Arthur also contemplates the use of other conveyors in various alternates; see page 1, lines 60-65.

Regarding claim 16, Arthur discloses the conveying chute 134 converging with air chute 136 forming a chamber with top 132; see figure 5. It would have been obvious to one of ordinary skill in the art to combine the multiple embodiments of Arthur to include multiple separating elements (as depicted in figure 9) with chutes converging into a chamber as illustrated in figure 5.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

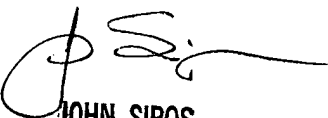
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN SIPOS
PRIMARY EXAMINER

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